

REMARKS

Claims 1-4, 6-11, 13-17, 19-21 and 27 are rejected as being anticipated by Safadi, et al. (U.S. Patent Application Publication Number 2002/0147686).

Independent claims 1, 8, 15 and 22 are amended to include the subject matter of claims 2, 9, 16 and 23 respectively, which recite that the wireless sender sends an initial message having an IMEI, a sender name or MSISDN to the wireless recipient.

As shown in Figure 1 and described on page 8, line 5-9 of application, in a typical communication between two wireless phones, a user A having a video clip (e.g. a free movie preview) may want to share this with a friend, User B. In operation, the user A initiated this by sending an IMEI, their name or their MSISDN, giving the user B a chance either to accept or decline based on this information.

In the rejection of claims 2, 9, 16 and 22, the reasoning cited paragraph [0042] of *Safadi*. However, it is respectfully submitted that paragraph [0042] merely discloses that the PVR "provides its certificate to the receiver/playback device". A person skilled in the art would appreciate that the term "Certificate" as used therein means a digital certificate (see paragraph 0036 of *Safadi*), which is very different than the IMEI, name or MSISDN of the claimed invention.

Furthermore, the claimed invention also includes sending such a device certificate from a sender to a recipient, in addition to the initial sending of the IMEI, name or MSISDN (page 9, line 5-7 of application). This requirement of sending IMEI, name or MSISDN is fundamental to the claimed invention, and not taught or suggested

by *Safadi*. In *Safadi*, the PVR is merely a caching and distribution gateway (paragraph 0030, and figure 1 of *Safadi*). *Safadi* disclosed how the receiver/playback device (30 in figure 1 of *Safadi*) can get digital contents from the PVR (10 in figure 1 of *Safadi*); however, *Safadi* does not disclose how the receiver/playback device can get digital contents from each other, which is the whole thrust of the claimed invention. In a situation where a PVR distributes the digital contents, the receiver/playback device would know all the contents are on the PVR, and the address of the PVR, and it must makes the initial request to the PVR. (paragraph 39 *Safadi*). In the situation of content sharing between wireless phones, one faces a much different problem because there is no central place that stores the contents. Even if the user of the receiving wireless phone knows they want a piece of digital content, they do not know where to find that digital content. Unlike *Safadi*, the receiving side does not know where the content currently resides, therefore the sending wireless phone must initialize the communication by sending its IMEI, name or MSISDN (page 11, line 10-12 of the application), as claimed herein.

The remaining claims depend directly or indirectly from the main independent claims, contain all the limitations thereof and are deemed patentable over *Safadi* alone or in combination with other cited prior art for all the reasons set forth above. In effect, the other cited prior art does not make up for the fundamental deficiency in teaching of the *Safadi* consistent with that set forth above.

For all these reasons, the claimed invention is not anticipated by the cited prior

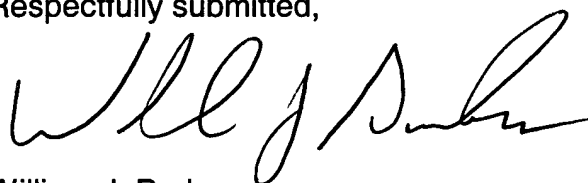
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art.

The claims are also amended in view of the points raised in the indefiniteness rejection.

Reconsideration and early allowance is earnest solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William J. Barber', written in a cursive style.

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